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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,959	12/27/2001	Michael A. Epstein	US010711	8573

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EXAMINER

SCHUBERT, KEVIN R

ART UNIT PAPER NUMBER

2137

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,959

Applicant(s)

EPSTEIN, MICHAEL A

Examiner

Kevin Schubert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

5 I. Claims 1-13 and 22-28 are drawn towards a method for preventing video copying based on selecting a scanning sequence, *classified in 380/201 (Video Cryptography: Copy Protection or Prevention)*. Invention I is directed to a method of preventing video copying in which a scanning sequence is selected from a plurality of scanning sequences and output to the screen. In this invention, predetermined sequences such as horizontal or vertical colored bars
10 are periodically selected and scrolled on the screen. For example, in this invention, a green horizontal bar may scroll on the screen for five minutes, then a red vertical bar may scroll on the screen for five minutes, etc. When a video camera records the movie and plays it back, a viewer will be annoyed by the changing scanning sequences.

 II. Claims 14-21 are drawn towards a method for preventing video copying based
15 on selecting a scanning rate, *classified in 380/201 (Video Cryptography: Copy Protection or Prevention)*. Invention II is directed to a method of preventing video copying in which a scanning rate (instead of a scanning sequence) is selected from a plurality of scanning rates and light beams are output to the screen according to the scanning rate. In this invention, predetermined speeds of outputting colored bars to the screen are periodically selected and used. For example,
20 in this invention, a horizontal light beam may flash on the screen every ten seconds for the first five minutes, then the same horizontal light beam may flash on the screen every second for the next five minutes, etc. When a video camera records the movie and plays it back, a viewer will be annoyed by the changing scanning rates.

The inventions are distinct, each from the other because:

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Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention I has separate utility because invention I is

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directed to selecting a scanning sequence from a plurality of scanning sequences and using alternating sequences for copy protection and invention II is directed to selecting a scanning rate from a plurality of scanning rates and using alternating rates for copy protection. Invention I is distinct from invention II because invention I could take place in a system which does not have alternating scanning rates. Likewise, invention II is distinct from invention I because invention II could take place in a system which does not have alternating scanning sequences. See MPEP 806.05(d).

Because these inventions are distinct for the reasons given above, restriction for examination purposes as indicated is proper. A burden is present to the examiner because an adequate search in the prior art requires a separate field of search. For example, searching for invention II would also require searching 380/35 (*Cryptography: Time delay modulation*) because this class discusses subject matter which applies varying amounts of time delay to an information signal. A complete response to this requirement must include an election of the invention to be examined, even if the requirement is traversed.

Conclusion

A shortened statutory period for response to this action is set to expire one month (not less than 30 days) from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

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obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Andrew Caldwell". The signature is fluid and cursive, with a large, stylized "Q" at the end.

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**